

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

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JAMES H. HARRIS, JR.
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TONY HICKS,	::	CIVIL ACTION NO.
Plaintiff,	::	1:09-CV-03156-TCB
	::	
v.	::	
	::	
MICHAEL J. ASTRUE,	::	SOCIAL SECURITY
Commissioner, Social Security	::	42 U.S.C. § 405
Administration,	::	
Defendant.	::	

ORDER AND OPINION

Plaintiff, Tony Hicks, has submitted this *pro se* action [1], apparently seeking relief under 42 U.S.C. § 405. Plaintiff has been granted *in forma pauperis* status [5]. The matter is now before the Court for an initial screening.

I. 28 U.S.C. § 1915(e)(2) Review

A federal court “shall dismiss” an *in forma pauperis* action “at any time if the court determines that” the action is “frivolous” or “fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2). A complaint is frivolous when it “has little or no chance of success” – for example, when it appears “from the face of the complaint that the factual allegations are clearly baseless[,] the legal theories are indisputably meritless,” or “the defendant’s absolute immunity justifies dismissal before service of process.” Carroll v. Gross, 984 F.2d 392, 393 (11th Cir. 1993)

(internal quotations omitted). A complaint fails to state a claim when it does not include “enough factual matter (taken as true)” to “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555-56 (2007) (noting that “[f]actual allegations must be enough to raise a right to relief above the speculative level,” and complaint “must contain something more . . . than . . . statement of facts that merely creates a suspicion [of] a legally cognizable right of action”). See also Ashcroft v. Iqbal, __ U.S. __, 129 S. Ct. 1937, 1951-53 (2009) (holding that Twombly “expounded the pleading standard for all civil actions,” to wit, conclusory allegations that “amount to nothing more than a formulaic recitation of the elements of a constitutional . . . claim” are “not entitled to be assumed true,” and, to escape dismissal, complaint must allege facts sufficient to move claims “across the line from conceivable to plausible”) (internal quotations omitted).

II. The Complaint

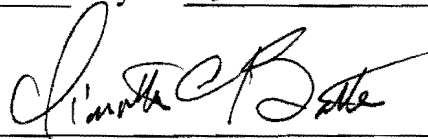
Plaintiff has filed a complaint [2] and two motions for a hearing [3, 4]. He appears to seek a lump sum “settlement” of several thousand dollars with respect to the SSI (supplemental security income) that he allegedly has been receiving for

approximately ten years. (Compl. [2] at 3.) He also seeks a “formal hearing” for his “social case in the Atlanta Ga. area.” (Mot. [4] at 2.)

III. Disposition

The basis upon which Plaintiff initiated this action is largely indecipherable. If he has a claim against the Social Security Administration based on his failure to receive his allocated SSI benefits, he has not provided the Court with sufficient information to allow such a claim to proceed. Accordingly, the Court finds that Plaintiff has failed to state a claim on which relief may be granted, and this action is **DISMISSED**. See 28 U.S.C. § 1915(e)(2)(B)(ii).

IT IS SO ORDERED this 16th day of December, 2009.



TIMOTHY C. BATTEN, SR.
UNITED STATES DISTRICT JUDGE